

Applicant: Bhalakia et al.
Serial No.: 09/848,594

PATENT
Atty. Docket No.: 10-9393

REMARKS

I. INTRODUCTION

This paper is filed in response to the Final Official Action dated June 21, 2005. In this Response, no changes to the claims are made. Claims 50-58 and 80-104 are pending.

II. PRIOR ART REJECTIONS

All claims were rejected in the final action based on a combination of *Murata et al.* (U.S. Patent No. 5,702,813) and *Kawaki et al.* (U.S. Patent No. 5,051,309) or on a combination of *Murata et al.* and *Kawaki et al.* and *Guglielmetti et al.* (U.S. Patent No. 5,631,720). These rejections are improper, however, for at least the reason that *Murata et al.* is not prior art to the claimed invention.

The priority date of the present application is March 3, 1995. Hence *Murata et al.* cannot be prior art to the application under 35 U.S.C. Section 102(a) or 102(b) since *Murata et al.* was not published until December 30, 1997. Nor can *Murata et al.* be prior art to the application under 35 U.S.C. Section 102(e) since its filing date in the U.S. is August 10, 1995, which is later than the priority date (March 3, 1995) of the present application.¹ Accordingly, the rejection should be withdrawn. Furthermore, since the rejection made earlier in this application based on *Kawaki et al.* has been withdrawn, it is submitted that the claims are now in condition for allowance.

¹ Although *Murata et al.* claims priority to a Japanese Application filed August 12, 1994, which is before the priority date of the present application, this priority date may not be relied upon as a 102(e) date for prior art purposes. See MPEP 708.02(f)(1)I.D.

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Notwithstanding the above, the Applicant makes no concessions to the arguments made by the Examiner regarding *Murata et al.* In other words, even if *Murata et al.* qualified as prior art, the rejection is still improper. *Murata et al.* neither shows nor suggests, either alone or in combination with *Kawaki et al.*, a functional laminate as recited in the claims and as argued in the previous amendment.

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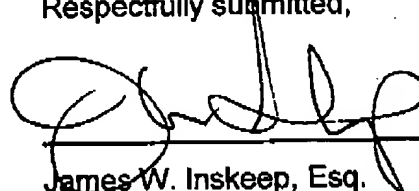
CONCLUSION

In summary, it is submitted that all currently pending claims 50-57 and 80-104 are now in condition for allowance. An indication of the same is therefore requested. If any issues remain that the Examiner finds more efficiently addressed through telephonic communication, it is cordially urged that the undersigned be contacted at the number listed below.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-2809.

Respectfully submitted,

Dated: Oct. 20, 2005


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